

## CHAPTER 20 PRIVATE DETECTIVES

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### 2000 GENERAL PROVISIONS

- 2000.1 For purposes of this chapter, the term "private detective" means any person (whether self-employed or employed by others), firm, or corporation which is engaged in the business of, or advertises or represents himself, herself, or itself as being engaged in any of the following:
- (a) The business of detecting, discovering, or revealing crime or criminals;
  - (b) The business of securing information for evidence relating to crime or criminals;  
or
  - (c) The business of discovering or revealing the identity, whereabouts, character, or actions of any person(s) or thing(s).
- 2000.2 The term "private detective," as defined in §2000.1, shall not include persons who are employed as uniformed guards or uniformed security personnel.
- 2000.3 No person shall be licensed as a private detective unless the Chief of Police of the Metropolitan Police Department of the District of Columbia or his or her designee (also referred to as the "Chief of Police") certifies to the Mayor that the Chief of Police approves of the issuance of the license.
- 2000.4 Except as provided in §2000.5, each license issued under this chapter shall be effective for one (1) license year beginning on November 1st of the year issued and continuing until the following October 31st.
- 2000.5 A license issued after the beginning of a license year shall date from the first day of the month in which the license is issued and shall expire on the next succeeding October 31st.

2000.6 No licensed private detective shall represent himself or herself, or engage in business as a private detective, under any name other than the name appearing on his or her license; Provided, that this provision shall not prevent the use of a trade name if that trade name is contained in the license application approved by the Mayor.

2000.7 Any person who engages in business as a private detective without having a license then in effect shall be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than ninety (90) days.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is Paragraph 41(d) of Section 7 of An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, approved July 1, 1902, 32 Stat. 590 (622), as amended by An Act approved July 1, 1932, 47 Stat. 550, ch. 366, D.C. Code §§47-2838 and 47-2844 (1987 Repl. Vol.).

**SOURCE:** Sections 1(c), 4, 5, 8, and 15 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §§1.1(c), 2.3, 3.4, and 5.2.

## 2001 APPLICATION FOR LICENSE

2001.1 Application for a license to engage in business as a private detective shall be made to the Mayor on a form prescribed by the Mayor, and shall be accompanied by the license fee required by law.

2001.2 Each person applying for a license shall submit to the Mayor, under oath, any information that the Mayor may require to assist in determining whether the applicant is of good moral character and that granting the license will be in the public interest.

**SOURCE:** Section 2 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §2.1.

## 2002 PHOTOGRAPHS AND FINGERPRINTS

2002.1 Each individual applicant for a license as a private detective shall submit four (4) identical, full-faced photographs of himself or herself, one inch by one and one-half inches in size (1" x 1 1/2"), which were taken not more than three (3) months prior to date of application.

2002.2 Each corporate applicant for license as a private detective shall submit the required photographs of its president and vice-president.

2002.3 Each individual applicant for a license as a private detective shall have three (3) sets of his or her fingerprints taken by the Chief of Police.

2002.4 Fingerprints taken under §2002.3 shall become part of the application for the license.

2002.5 Fingerprints shall be submitted for comparison and record to the Federal Bureau of Investigation and to other authorities that the Chief of Police may deem advisable.

2002.6 Each corporate applicant for a license as a private detective shall make its president and vice-president available to the Chief of Police for fingerprinting.

**SOURCE:** Sections 2 and 3 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §§2.1 and 2.2.



**2003 BONDS**

2003.1 Each person licensed as a private detective shall file in the Office of the Mayor, and shall keep in force throughout the duration of the license, a bond in the penal sum of five thousand dollars (\$5,000), running to the District of Columbia and extending to third-party recovery, with corporate surety authorized by the D.C. Department of Consumer and Regulatory Affairs to do business in the District.

2003.2 Each bond shall be conditioned as required by, and shall be subject to, the provisions of §9(b) of Pub. L. 89-347 (D.C. Code §4-171 (1981)).

**SOURCE:** Section 6 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), SEE DCRR, §3.2.

**2004 INVESTIGATION OF APPLICANTS AND LICENSEES**

2004.1 The Mayor is authorized, in connection with consideration of license applications, and from time to time during the license year, to require an applicant for a license or a licensee to make available to the Mayor, during the regular business hours, any information that the Mayor considers necessary to determine or verify whether the applicant or licensee has violated or failed to comply with any provision of any statute or regulation relating to the obtaining or retention of a private detective's license or to the conduct of activities as a private detective.

2004.2 Investigation by the Mayor may include determination or verification of the identity of any person associated with the applicant or with any licensee in the private detective business, and the extent, if any, of that person's control, either directly or indirectly, of the applicant or over the business activities of the licensee.

2004.3 The following shall be grounds for denial, suspension, or revocation of a license:

- (a) Failure to make requested information available to the Mayor or to furnish to the Mayor any information that the Mayor is authorized to request under this section; or
- (b) Failure to furnish to the Mayor, or to permit the Mayor to make one (1) or more copies of records maintained by the applicant or licensee that the Mayor may specify.

**SOURCE:** Section 7 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), SEE DCRR, §3.3.

**2005 IDENTIFICATION CARDS**

2005.1 Each person licensed as a private detective ("licensee") shall, while engaged in dealings with any person while doing business as a private detective, carry on his or her person the identification card bearing his or her photograph and issued by the Mayor.

2005.2 Upon the request of any person with whom the licensee may deal or have contact in connection with doing business as a private detective, the licensee shall display the card and furnish to the requesting person a business card or other written matter containing the licensee's full name and license number.

**SOURCE:** Section 9 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §3.5.

**2006 PLACE OF BUSINESS**

- 2006.1 A private detective license shall only be issued to a person who is not a resident of the District if the nonresident, as a condition of the license, appoints or employs an attorney-in-fact or general agent who is a resident of the District or who maintains an office in the District. Each nonresident licensee shall notify the Mayor of the appointment or employment of an attorney-in-fact or general agent.
- 2006.2 The nonresident licensee shall also notify the Mayor, within five (5) business days, of any change in the appointment or employment of the attorney-in-fact or general agent.
- 2006.3 In all cases of a nonresident licensee, notice of any action to be taken with respect to the license issued to that licensee may be served upon the attorney-in-fact or general agent appointed or employed by that nonresident licensee.

**SOURCE:** Section 11 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §3.7.

**2007 - 2009 [RESERVED]**

**2010 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES**

- 2010.1 The license of each private detective shall be subject to denial, suspension, or revocation for violation of any section of this chapter that is applicable to that license or business or for violation of any of the terms of D.C. Code, §47-2839, and upon any grounds set forth in regulation or statute, including, without limitation, any of the following:
- (a) Material misstatement in the application for license;
  - (b) Failure or refusal to comply with any statute or regulation governing the carrying on of the business of a private detective;
  - (c) Conviction of false pretenses, larceny after trust, embezzlement, or any other offense involving (in the judgment of the Mayor) fraudulent conduct, arising out of or based on employment as a private detective; or
  - (d) Willful or fraudulent circumvention of any statute or regulation related to the conduct of the business of private detective.
- 2010.2 Whenever the Mayor proposes to deny, suspend, or revoke a private detective's license, the Mayor shall give the applicant or licensee notice which meets all of the following requirements:



- (a) The notice shall be in writing and be signed by the Mayor;
- (b) The notice shall state the ultimate facts constituting each violation or other basis for the action proposed;
- (c) The notice shall indicate, where applicable, each provision of statute or regulation violated or not complied with;
- (d) The notice shall state the proposed adverse action; and
- (e) The notice shall advise that the proposed action may be appealed as provided in §2012, and of the time within which the appeal must be filed.

**SOURCE:** Sections 12 and 13(a) of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §§4.1 and 4.2(a).

## **2011 SERVICE OF NOTICES**

2011.1 Notices required under §2011 shall be served upon the applicant or licensee in accordance with this section.

2011.2 A notice shall be deemed to be properly served upon the person to whom it is directed when it or a copy of it is served in one of the following ways:

- (a) Personally delivering it to the person named in the notice;
- (b) Leaving a copy at the address stated on the license (or on the application in the case of an applicant) with a person over sixteen (16) years old then employed at or a resident of that address; or
- (c) Mailing a copy by certified mail, postage prepaid, to the address stated on the license or application.

2011.3 If any notice mailed as authorized in §2011.2(c) is returned by the postal authorities because the addressee has refused to accept delivery, the notice shall be deemed to have been served on the addressee as of the date of that refusal.

**SOURCE:** Section 13 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §4.2(b).

## **2012 APPEALS**

2012.1 Any person on whom a notice has been served pursuant to §2010 and §2011 may file a written appeal with the Board of Appeals and Review.

2012.2 The appeal must be filed within twenty (20) calendar days from the date the notice was served personally, or within twenty-four (24) calendar days of the date the notice was served other than personally.

2012.3 If service was made by certified mail, the twenty-four (24) day period for filing required under §2012.2 shall include the date that the notice was mailed under §2011.2(c),

**SOURCE:** Section 14 of Regulation 70-30, approved July 9, 1970 (17 DCR 40), 5EE DCRR, §5.1.